

Application No. 09/297,317

AF means for interpreting said short message from said access point into a command executable by said apparatus.

REMARKS

This Amendment is in response to the Office Action having a mailing date of May 23, 2002.

With respect to the Restriction Requirement, Applicants have cancelled Claims 1-30 and 40-48. Therefore, Claims 31-39 are pending in the present application.

The Examiner has rejected Claims 31-34 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants have amended independent Claim 31 and dependent Claim 34 to overcome this rejection. More specifically, Claim 31 now recites transmitting at least one short message to an access point via said short message service portion of the personal communication system transmission protocol. Claim 34 has been similarly amended to correspond with the changes made to Claim 31.

The Examiner has rejected Claims 35-39 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More specifically, the Examiner states that "said control signal" lacks an antecedent basis. Independent Claim 35 and dependent Claim 39 have been amended to address this rejection.

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Claims 31-39 are also rejected under the judicially-created doctrine of obviousness type double patenting as being unpatentable over Claims 7-15 of U.S. Patent No. 6,014,089. Submitted herewith is a Terminal Disclaimer surrendering that portion of any patent which would issue from the present application which would extend beyond the full term granted the '089 patent.

Lastly, the Examiner states that the application does not contain an Abstract of the disclosures required by 37 C.F.R. § 1.72(b). Submitted herewith, on a separate sheet, is a proposed Abstract of the disclosure.

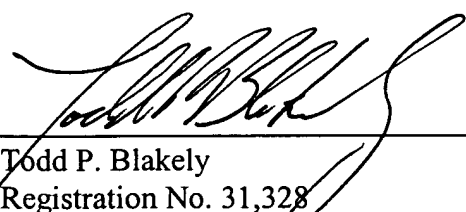
Attached hereto is a marked up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made."

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: _____


Todd P. Blakely
Registration No. 31,328
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: _____

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

31. (Amended) A method for transmitting a data sequence via a personal communications system transmission protocol comprising the steps of:

collecting data at a data collection unit;

composing at least one short message from said collected data;

inserting said at least one short message in a control channel via a short message service portion of the personal communications system transmission protocol; and

transmitting said [control channel including said] at least one short message to an access point via said short message service portion of the personal communications system transmission protocol.

34. (Amended) The method, according to Claim 31, further comprising the step of:

receiving said [control channel including said] at least one short message at said access point;

and

interpreting said [control channel including said] at least one short message at said access point.

35. (Amended) An apparatus for collecting and digitally transmitting a data sequence via a personal communications system transmission system protocol, said apparatus comprising:

means for electronically collecting data at a first location;

means for composing at least one short messages from said electronically collected data;

means for inserting said composed short message in a control channel of a short message service portion of the personal communications system transmission protocol; and

means for transmitting a [said] control signal including said at least one short message to an access point via said short message service portion of said personal communications system transmission protocol.

39. (Amended) The apparatus, according to Claim 35, further comprising:

means for receiving a short message from said access point, wherein said short message is a transmitted control [channel] signal of said short message service portion of said personal communications system transmission protocol; and

means for interpreting said short message from said access point into a command executable by said apparatus.